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QUALCOMM INCORPORATED
5775 MOREHOUSE DRIVE
SAN DIEGO, CA 92121

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DEC 05 2007

In re Application of
Gregory G. Rose
Application No. 10/814,065
Filed: March 30, 2004
Attorney Docket No. PA392C1C2C2

: **OFFICE OF PETITIONS**
: DECISION ON PETITION
:
:

This is a decision on the petition under 37 CFR 1.137(b), filed May 21, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 11, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on January 12, 2007. A Notice of Abandonment was mailed on May 1, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an "Terminal Disclaimer to Obviate a Double Patenting Rejection over a "prior" Patent," (2) the petition fee of \$1,500, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the Office action of October 11, 2006 is accepted as being unintentionally delayed.

The rule at 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This application is being referred to Technology Center AU 2137 for appropriate action in the normal course of business on the reply received May 21, 2007.

Frances Hicks
Frances Hicks
Petitions Examiner
Office of Petitions